

# 9-79.000 OTHER CRIMINAL DIVISION STATUTES

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## 9-79.100

### Mann Act

The Mann Act, 18 U.S.C. § 2421 *et seq.*, prohibits transporting any individual in interstate or foreign commerce for the purpose of engaging in prostitution or other sexual activity for which any person can be charged with a criminal offense, and related crimes. The Child and Exploitation and Obscenity Section of the Criminal Division is responsible for supervision of the Act.

Unless minors are victims, prosecutions under 18 U.S.C. §§ 2421 and 2422 should generally be limited to persons engaged in commercial prostitution activities, even though commerciality is not an element of the offense. *See Cleveland v. United States*, 329 U.S. 14 (1946), and *Caminetti v. United States*, 242 U.S. 470 (1917). Prosecution of persons other than those engaged in commercial prostitution enterprises such as panderers, operators of houses of prostitution, or call-girl operations, and those acting for or in association with such persons, should not be instituted without consultation with the Child Exploitation and Obscenity Section of the Criminal Division unless the victims are minors.

See the Criminal Resource Manual at 2027, for a brief discussion of the Mann Act.

## 9-79.200 Bank Records and Foreign Transactions Act

The Money Laundering and Asset Forfeiture Section of the Criminal Division has supervisory authority over the Bank Records and Foreign Transactions Act. Assistant United States Attorneys should keep the Department of Justice advised respecting the developments in important Bank Secrecy Act cases as they arise.

Possible civil penalties in a Bank Secrecy Act prosecution should not be compromised without contacting the Assistant Director, Financial Crimes Enforcement Network, United States Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220 (202) 622-0400. That office should also be contacted in criminal cases which seem appropriate for civil remedies.

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### Further information on this subject is contained in the Criminal Resource Manual

Bank Records and Foreign Transactions Act	Criminal Resource Manual at 2028
Overview of the Bank Records and Foreign Transactions Act	Criminal Resource Manual at 2029
Reports on Domestic Financial Transactions	Criminal Resource Manual at 2030

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Reporting on Foreign Financial Agency Transactions	Criminal Resource Manual at 2032
Structuring	Criminal Resource Manual at 2033
Sample Instruction -- Elements of 31 U.S.C. § 5324(a)(3)	Criminal Resource Manual at 2034
Use of Other Criminal Statutes	Criminal Resource Manual at 2035
Civil Remedies -- Injunctions	Criminal Resource Manual at 2036
Civil Remedies -- Civil Penalties	Criminal Resource Manual at 2037
Exemptions	Criminal Resource Manual at 2038
Bank Records and Foreign Transactions -- Dissemination of Financial Information	Criminal Resource Manual at 2039
Bank Records and Foreign Transactions -- Financial Crimes Enforcement Network (FinCEN)	Criminal Resource Manual at 2040

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### **9-79.400 Failure to Register with the Selective Service System**

United States Attorneys may not decline to prosecute violations of 50 U.S.C. App. § 462(a) involving the failure to register with the Selective Service System without prior notification to the Criminal Division (Office of Enforcement Operations). Such notification is necessitated by the requirement of 50 U.S.C. App. § 462(c) that the Department "advise the [Congress] in writing the reasons for its failure" to bring such prosecutions.

### **9-79.410 Desecration of the Flag (18 U.S.C. § 700)**

United States Attorneys shall consult with the Fraud Section of the Criminal Division prior to instituting grand jury proceedings, filing an information, or seeking an indictment for the offense of desecration of the flag, 18 U.S.C. § 700.

### **9-79.420 Disclosure Violations -- Tax Reform Act of 1976 (26 U.S.C. § 7213)**

United States Attorneys are required to consult with the Public Integrity Section of the Criminal Division before instituting grand jury proceedings, filing an information, or seeking an indictment of disclosure violations under 26 U.S.C. § 7213.